

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**In re
LATOYA STEWARD
Debtor**

District Case No.: 4:14-CV-1094 RWS

**JAMES ROBINSON
CRITIQUE SERVICES, LLC
ELBERT A WALTON JR
Appellants**

Vs. **Bankruptcy Case No 11-46399-705**

**LATOYA STEWARD
Appellee**

**APPELLANT WALTON'S EMERGENCY MOTION TO STAY
JUDGMENT AND ORDER OF THE BANKRUPTCY COURT
PENDING DISPOSITION OF APPEAL**

Comes now Appellant Elbert A. Walton, Jr. and states:

1. This Honorable District Court had before it an appeal of a final Judgment and Order of the Bankruptcy Court, including interlocutory Orders that were merged into said final Judgment and Order.

2. This Honorable District Court affirmed the final judgment and order of the bankruptcy court on March 31, 2015, and denied the Appellant's application for a stay of enforcement of the bankruptcy court judgment pending appeal.

3. The Appellants have now filed an appeal of the judgment and order of the Bankruptcy Court and the Judgment of the District Court affirming said Judgment and Order of the Bankruptcy Court to the U.S. Court of Appeals for the Eighth Circuit.

4. Subsequent to the filing of said appeal, the Bankruptcy Court issued an order for a warrant and commitment against the Appellant's James Robinson and Elbert Walton mandating that they be incarcerated until they pay the monetary judgment entered by the Bankruptcy court that is the subject of the appeal to the US Court of Appeals.

5. Any payment of said judgment will moot the Appellant's appeal and moreover the Appellant's are without adequate funds to pay said judgment.

6. The Appellant asserts that:

- a. Appellants are likely to succeed on the merits of their Appeal to the U.S. Court of Appeals. (See Appellants' Brief)
- b. The Appellants will suffer irreparable harm if the stay is not granted.
- c. No other interested parties will suffer substantial harm if the stay is granted.
- d. A stay will not harm the public interest.

7. The Appellant asserts that the District Court has jurisdiction in the first instance to grant a stay pending disposition of the appeal by the U.S. Court of Appeals.

8. Appellant adopts Document 44-1 heretofore submitted to this Honorable Court as a Memorandum in Support of this Application for Stay.

WHEREFORE, in the interest of fairness and justice and to avoid irreparable harm to the Appellants, Appellant Elbert A Walton Jr, moves this Honorable District Court for a stay of said Bankruptcy Court Judgment (Doc #199) and Amended Order (Bk Doc #201) pending final disposition of the appeal of said Judgment and Order by the U.S. Court of Appeals.

METRO LAW FIRM, LLC.

By: 

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Certificate of Service: By signature below, I hereby certify that I electronically filed the foregoing with the Clerk of the United States District Court, Eastern District of Missouri by using the CM/ECF system, and that a copy will be served by the CM/ECF system upon the Appellees and Co-Appellants and other interested parties as indicated by the CM/ECF system,

By: 